

# Notice of Allowability

Application No.

10/654,775

Examiner

Deborah Yee

Applicant(s)

KAMI ET AL.

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to terminal disclaimers and applicant's remarks submitted 8-31-05.
2. ☒ The allowed claim(s) is/are 21 and 22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Deborah Yee  
Primary Examiner  
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## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The first line of the specification based on applicant's amendment dated 9-4-03 has been amended by inserting ---now abandoned--- after "Application Serial No. 10/031,426, filed January 18, 2002----.

Also the numbering for page "168" has been changed to -163—since the following page is numbered 164.

### ***Allowable Subject Matter***

2. Claims 21 and 22 are allowed.
3. The following is an examiner's statement of reasons for allowance: The art of record does not teach or fairly suggest the high-tensile strength cold-rolled steel sheet, as claimed, having a high  $r$  value of 1.2 or more and excellent strain age hardenability and natural aging resistance; and comprising a composition wherein  $N/Al$  is 0.30 or more, and the amount of dissolved N is 0.0010% or more; and has a microstructure composed of ferrite phase having an average crystal grain diameter of 10 microns or

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less at an area ratio of 80% or more and a martensite phase as a second phase at an area ratio of 2% or more.

4. Criticality of the claimed limitations (N/Al equal to 0.3 or more, and the amount of dissolved N equal to 0.0010% or more, and martensite phase at an area ratio of 2% or more) is demonstrated in test data disclosed on pages 142 to 164 and figures 1 to 4 of applicant's specification in order to provide a high tensile strength cold rolled steel sheet having a high r value of 1.2 or more and excellent strain age hardenability.

5. Moreover, European patent 943696, the closest prior art discovered by examiner, fails to teach or suggest a cold rolled steel sheet having a martensite phase as a second phase at an area ratio of 2% or more. One skilled in the art would not expect martensite to be present since the prior art process of making is different from the present invention, and the claimed properties are process dependent. Moreover, as stated by applicant in his response of 4-18-05, present invention steel has a tensile strength ranging from 525 to 620MPa (as shown in Tables 17 and 20) whereas EP'696 values are 373 to 445MPa, and the difference in tensile strength indicates EP'696 does not contain martensite because in order to secure a higher strength of steel, a hard martensite is required.

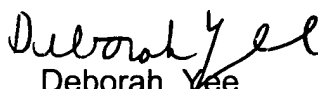
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 571-272-1253. The examiner can normally be reached on Monday-Friday from 6:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Deborah Yee  
Primary Examiner  
Art Unit 1742

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